

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number	FOR COURT USE ONLY
Attorney for	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re:	CHAPTER: CASE NO.:
Debtor(s).	(No Hearing Required)

NOTICE OF MOTION AND MOTION TO AVOID LIEN
UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)
(Creditor Name: _____)
(Insert Name of Creditor holding Lien to be Avoided)

1. TO THE CREDITOR, CREDITOR'S ATTORNEY AND OTHER INTERESTED PARTIES:

2. NOTICE IS HEREBY GIVEN that the Debtor hereby moves this Court for an Order, without a hearing, avoiding a lien on the grounds set forth below.

3. **Deadline for Opposition Papers:**

Pursuant to Local Bankruptcy Rule 9013-1(g)(1), any party objecting to Debtor's Motion may file and serve a written objection and request a hearing on this Motion. If you fail to file a written response within fifteen (15) days of the date of service of this Notice, the Court may treat such failure as a waiver of your right to oppose this Motion and may grant the requested relief.

4. **Type of Case:**

- a. ☐ A Voluntary Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on:
- b. ☐ An Involuntary Petition under Chapter ☐ 7 ☐ 11 was filed on:
- ☐ An Order of Relief under Chapter ☐ 7 ☐ 11 was entered on:
- c. ☐ An Order of Conversion to Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was entered on:
- d. ☐ Other:

5. **Procedural Status:**

- a. ☐ Name of Trustee Appointed *(if any)*:
- b. ☐ Name of Attorney of Record for Trustee *(if any)*:

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6. Debtor claims an exemption in the subject real property under:

- a. ☐ California Code of Civil Procedure § _____ (Homestead): Exemption amount claimed on Schedules: \$ _____
- b. ☐ California Code of Civil Procedure § _____ Exemption amount claimed on Schedules: \$ _____
- c. ☐ Other Statute (*specify*):

7. Debtor's entitlement to an exemption is impaired by judicial lien, the details of which are as follows:

- a. Date of Entry of Judgment (*specify*):
- b. Case Name (*specify*):
- c. Docket Number (*specify*):
- d. Date of Recordation of Lien (*specify*):
- e. Recorder's Instrument Number or Map/Book/Page (*specify*):

8. The property claimed to be exempt is as follows:

- a. Street Address (*specify*):
- b. Legal Description (*specify*): ☐ See Attached Page

9. Debtor acquired the property claimed exempt on the following date (*specify*):

10. Debtor alleges that the fair market value of the property claimed exempt is: \$ _____.

11. The subject property is encumbered with the following liens (list mortgages and other liens in order of priority and place an "X" as to the lien to be avoided by this Motion):

Name of Lien Holder	"X"	Date Lien Recorded	Original Lien Amount	Current Lien Amount	Date of Current Lien
			\$		
			\$		
			\$		
			\$		

12. Debtor attaches copies of the following documents in support of the motion (as appropriate):

- a. ☐ Schedule C listing all exemptions claimed by Debtor(s)
- b. ☐ Appraisal of the property
- c. ☐ Documents showing current balance due as to the liens specified in Paragraph 11 above
- d. ☐ Recorded Abstract of Judgment
- e. ☐ Recorded Declaration of Homestead (Homestead Exemption)
- f. ☐ Declaration(s)
- g. ☐ Other (*specify*):

13. Total number of attached pages of supporting documentation: _____

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In re	CHAPTER:
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14. Debtor declares under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this motion was executed on the following date at _____, California.

WHEREFORE, Debtor prays that this Court issue an Order (a copy of the form of which is submitted herewith and has been served) avoiding the creditor's lien.

Dated:

Debtor's Signature

Dated:

Law Firm Name

By: _____

Name: _____
Attorney for Debtor

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA COUNTY OF _____

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On _____, I served the foregoing document described as: NOTICE OF MOTION AND MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY) on the lienholder whose lien is sought to be avoided, the lienholder's attorney (if known), on the Chapter _____ Trustee and the United States Trustee at their last known addresses by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at _____, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

Typed Name

Signature